IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 9TH FEBRUARY 2007 / 20TH MAGHA 1928

WP(C).No. 3413 of 2007(F)

PETITIONER:

T.K.RUGMANI AMMA,
PROPRIETRIX, BALAKRISHNA TRAVELS,
GURUVAYOOR.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS:
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1. THE DISTRICT LABOUR OFFICER,
THRISSUR (THE CONTROLLING AUTHORITY UNDER THE PAYMENT OF GRATUITY ACT 1972 & DISTRICT LABOUR OFFICER, THRISSUR).

2. P.SIVADAS,
KUNNAMBAZATH HOUSE,
NJAMANGAD, VYLATHOOR P.O.

BY GOVERNMENT PLEADER SMT.ANU SIVARAMAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

W.P.(C) NO. 3413 OF 2007

Dated this the 9th day of February, 2007

J U D G M E N T

The impugned Ext.P4 is an order under the Payment of Gratuity Act, 1972. That order was issued on 20/12/2005. This writ petition is filed on 19/10/2006. The petitioner did not take recourse to the statutory appellate remedy available under that Act within the time prescribed. With the passage of time, Exhibit P1 order has become final and I do not find any ground to interfere with that order, in exercise of the authority under Article 226. At this distant point of time, more so because I do not find any jurisdictional error in the said order. In the aforesaid circumstances, the challenge to Ext.P4 fails.

2. Having regard to the facts and circumstances and the request of the learned counsel on behalf of the petitioner, this writ petition is disposed of directing that any distress action on the basis of Exhibit P4 will stand suspended if the petitioner remits the entire amounts including the accruals due as per Exhibit P4 in five equal monthly instalments, payable on or before last working day of every month commencing from February 2007. If there is

default in remitting such amounts, the benefit of this judgment, in so far is in favour of the petitioner, will stand recalled automatically.

Writ petition is disposed of as above.

THOTTATHIL B. RADHAKRISHNAN, JUDGE

Rp